

REMARKS

The claims remaining in the present application are Claims 1-28. Claims 1, 2, 11, 12, and 21 have been amended. No new matter has been added. For example, support for the amendments to the independent Claims 1, 11 and 21 can be found, among other places, in the original versions of Claims 2 and 12. The Examiner is thanked for performing a thorough search. The Examiner is thanked for allowing Claims 2 and 12 provided they are rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CLAIM REJECTIONS

35 U.S.C. §112

Claims 1-28

In paragraph 4, the Office Action rejected Claims 1-28 under 35 U.S.C. §112 second paragraph. The Claims 1, 2, 11, 12 and 21 have been amended to address the objections. Therefore, Applicant believes that these rejections have been addressed.

35 U.S.C. §102

Claims 1, 3-11 and 13-28

In paragraph 9 of the Office Action, Claims 1, 3-11 and 13-28 are rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Paten No. 5,761,505 by Golson et al. (referred to hereinafter as "Golson"). Applicant respectfully submits that embodiments of the present invention are neither taught nor suggested by Golson.

Amended independent Claim 1 recites,

A method of managing modification of configuration states of a plurality of resources of multiple types in a dynamic data center, said method comprising:

creating a modification policy for said resources;
obtaining a new modification for configuration states of resources of a particular type; and
automatically performing said new modification to said configuration states of said resources of said particular type based on said modification policy by utilizing a resource pool without degrading a level of service provided by said resources of said particular type by performing said new modification to a configuration state of an available resource and by re-directing new requests for a service provided by a first resource to said available resource, wherein said resource pool includes a plurality of available resources of multiple types.

Golson fails to teach or suggest, “automatically performing said new modification to said configuration states of said resources of said particular type based on said modification policy by utilizing a resource pool without degrading a level of service provided by said resources of said particular type by performing said new modification to a configuration state of an available resource and by re-directing new requests for a service provided by a first resource to said available resource, wherein said resource pool includes a plurality of available resources of multiple types.” (emphasis added) as recited by Claim 1.

For example, Golson teaches a system and method for automatically and reliably managing global resources in a computer network. For example, at Col. 2 lines 41-45, Golson states,

The global resource management system includes a task manager and a reconciliatory, which both work together in each computer system to ensure that the global resource configuration of the network, as viewed by the respective computer system, is maintained up-to-date, automatically and reliably.

Therefore, Golson’s system and method provides a way of ensuring that each computer system has the up-to-date levels of configurations on them. Further Golson teaches a way of handling computer systems that are not responsive and therefore cannot have the most up-to-date configurations initially installed on them. For example at Col. 9 lines 41-49, Golson states,

When any such nonresponsive computer system 14 becomes responsive, i.e., is activated or desires to become part of the network domain, the reconciliatory 36 (FIG. 2) associated with the nonresponsive computer system 14 (now responsive) consults the global resource data base 48 (FIG. 5) of the global memory 22 associated with the server computer system 14a to accommodate any unperformed configuration tasks that were directed to the respective computer system 14.

However, no where does Golson teach or suggest, “by performing said new modification to a configuration state of an available resource and by re-directing new requests for a service provided by a first resource to said available resource,” as recited by Claim 1.

Further Golson does not teach or suggest “automatically performing said new modification to said configuration states of said resources of said particular type based on said modification policy,” as recited by Claim 1. The Office Action asserts that Golson teaches a “modification policy” at Col. 7 lines 5-14 and at Col. 6 lines 8-

9. However, Golson states at Col. 6 lines 8-9, "policy, or a resource object 37 applying to all resources of this type (e.g., the default printer);" and state at Col. 7 lines 5-14,

In general, the task manager 34 forward commands to the other computer systems 14 of the network system 11 to perform the configuration task on the computer systems 14a-14c of the network domain. The architecture and modules of the task manager 34 will be described in detail hereafter relative to FIG. 6.

After the task manager has concluded its operation on the particular configuration task, control of the computer system 14 is passed back to the SAM 18, which presents the results of the configuration task, via perhaps the output device 44 (e.g., a display; see FIG. 2), to the user.

Referring to Col. 6 lines 8-9, note that Golson's policy pertains to how a resource is used rather than pertaining to modifications. Further note that Col. 7 lines 5-14 make no mention of Golson's policy. Therefore, although Golson teaches "a policy" Golson does not teach a "modification policy" that "automatically performing said new modification to said configuration state of said resources..." is based on.

Therefore Golson does not teach or suggest "automatically performing said new modification to said configuration states of said resources of said particular type based on said modification policy by utilizing a resource pool without degrading a level of service provided by said resources of said particular type by performing said new modification to a configuration state of an available resource and by re-directing new requests for a service provided by a first resource to said available resource, wherein said resource pool includes a plurality of available resources of multiple types." (emphasis added) as recited by Claim 1. Amended independent Claims 11 and 21 should be patentable for similar reasons that Claim 1 should be patentable.

Claims 3-10 depend from Claim 1, Claims 13-20 depend from Claim 11, and Claims 22-28 depend from Claim 21 and include all of the limitations of the respective independent Claims 1, 11, and 21. Further, the dependent Claims include additional limitations which further make them patentable. Therefore the dependent Claims should be patent for at least the reasons that the independent Claims 1, 11, and 21 are patentable.

CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-28 overcome the rejections of record. For reasons discussed herein, Applicant respectfully requests that Claims 1-28 be considered by the Examiner. Therefore, allowance of Claims 1-28 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,
WAGNER, MURABITO & HAO LLP

Dated: 11/3/, 2006



John P. Wagner Jr.
Registration No. 35,398

Address:

Westridge Business Park
123 Westridge Drive
Watsonville, California 95076 USA

Telephone:

(408) 938-9060 Voice
(408) 234-3749 Direct/Cell
(408) 763-2895 Facsimile